

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
LYNCHBURG DIVISION**

<b>UNITED STATES OF AMERICA</b>	)	<b>Criminal Case No. 6:05cr00024-1</b>
	)	
<b>v.</b>	)	<b><u>2255 MEMORANDUM OPINION</u></b>
	)	
<b>MEBLIN XIOMAR FIGUEROA,</b>	)	<b>By: Norman K. Moon</b>
<b>Petitioner.</b>	)	<b>United States District Judge</b>

Meblin Xiomar Figueroa, a federal inmate proceeding *pro se*, filed an “Application for Writ of Habeas Corpus Seeking to Overturn[] Gun Conviction” which I will construe as a motion to vacate, set aside, or correct sentence pursuant to 28 U.S.C. § 2255. Upon review of the record, however, I find that the § 2255 motion must be dismissed as successive.

Figueroa challenges his 375-month sentence for various drug and firearm offenses. Court records indicate that Figueroa previously filed two § 2255 motions regarding the same convictions and sentence, both of which I dismissed. *See* Civil Case No. 7:07cv329; Criminal Case No. 6:05cr24-1, Docket Nos. 69, 70, and 71. I may consider a second or successive § 2255 motion only upon specific certification from the United States Court of Appeals for the Fourth Circuit that the claims in the motion meet certain criteria. *See* § 2255(h). As Figueroa has not submitted any evidence of having obtained certification from the Court of Appeals to file a second or successive § 2255 motion, I must dismiss his motion as successive.<sup>1</sup>

**ENTER:** This 1<sup>st</sup> day of April, 2014.

  
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NORMAN K. MOON  
UNITED STATES DISTRICT JUDGE

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<sup>1</sup> Petitioner is hereby advised of the procedure for obtaining certification from the United States Court of Appeals for the Fourth Circuit to have this court review a successive § 2255 motion. Petitioner must submit a copy of the successive § 2255 motion to the Court of Appeals, along with a motion requesting a three-judge panel certification that the district court may review the successive § 2255 motion. *See* 28 U.S.C. § 2244. A Fourth Circuit form and instructions for filing this motion are available from the Fourth Circuit at the following address: Office of the Clerk, United States Court of Appeals for the Fourth Circuit, 900 E. Main St., Richmond, VA 23219.